

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARY WICKENKAMP,

Plaintiff,

v.

No. 2:15-cv-00296-PK

ORDER

HOSTETTER LAW GROUP, LLP;
HOSTETTER KNAPP LLP;
D. ZACHARY HOSTETTER;
D. RAHN HOSTETTER; BRUCE
HAMPTON; VENESE HAMPTON;
KEVIN SALI; DAVID ANGELI;
BENJAMIN N. SOUEDE; MARILYN
PRESTON SUAREZ; EFRAIN SUAREZ;
AMERICAN BANK OF MISSOURI;

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [41] on December 3, 2015, in which he recommends that this Court grant in part and deny in part the motion [28] of Defendants Zachary Hostetter and Hostetter Law Group (collectively, “Moving Defendants), to

dismiss this case for lack of jurisdiction and failure to state a claim. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [41]. Therefore, for the reasons stated in the record, the Court grants in part and denies in part Moving Defendants' motion to dismiss. Plaintiff's claims 1-3 and 8-15 are dismissed without prejudice on jurisdictional grounds, Plaintiff's claims 6-7 are dismissed with prejudice for failure to state a claim, and Plaintiff's claims 4-5 and 16-17 are dismissed without prejudice and with leave to amend for failure to comply with Federal Civil Procedure Rule 8(a) and (d) and/or Federal Civil Procedure Rule 9(b).

Plaintiff is directed to amend her pleading as to any of her claims as to which she believes the deficiencies identified herein are subject to cure by amendment to restate those claims in a manner compliant with Rule 8 and all other applicable pleading requirements within thirty days. Plaintiff is directed to serve any defendant named in any such restated claim who has not yet been served with process herein within thirty days after filing her third amended complaint. Finally, Plaintiff is advised (i) that should she fail to comply with Rule 8 or other applicable pleading requirements in drafting her third amended complaint, any claims alleged in

a noncompliant manner will be subject to dismissal with prejudice, and (ii) that should she fail to serve any named defendant with process within the prescribed time period, her claims will be subject to dismissal with prejudice to the extent alleged against any unserved defendant.

IT IS SO ORDERED.

DATED this 31 day of January, 2016.

A handwritten signature in blue ink, reading "Marco Hernández", written over a horizontal line.

MARCO A. HERNÁNDEZ
United States District Judge